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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,923	12/20/2001	Joerg Schwenk	2345/165	8882
26646	7590	11/19/2003		
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004				
			EXAMINER LABAZE, EDWYN	
			ART UNIT 2876	PAPER NUMBER
DATE MAILED: 11/19/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,923

Applicant(s)

SCHWENK ET AL.

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18,20-28 and 35 is/are rejected.
- 7) ☐ Claim(s) 19,29-34,36 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 8/04/2003.
2. Claims 18-37 are presented for examination.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

4. Claims 20 and 22 objected to because of the following informalities:

Re claim 20 (page 2, lines 1-11 of applicant's amendments): The applicant recites the claim limitations "the first predefinable natural number" and "the second predefinable natural number". There is insufficient antecedent basis for this limitation in the independent claim 18. The applicant is respectfully requested to either substitute "the first predefinable natural number" and "the second predefinable natural number" with "a first predefinable natural number" and "a second predefinable natural number" or amend the independent claim 18 so as to incorporate said limitations.

Re claims 22 (page 2 of amendment A): There is insufficient antecedent basis for the limitation " N" in the independent claim 18. It is not clear whether or not the limitation "N" is being referred to the binary number as disclosed in claim 18.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 18, 20-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Langrand et al. (U.S. 5,233,656).

Re claim 18: Langrand et al. discloses telephone installation for the remote loading of telephone rental data of an independent station, which includes means of generating a personal identification number/PIN from a binary number having L digits [64 bits] so that the PIN is randomly distributed over an available number domain (col.11, lines 20+).

Re claim 20: Langrand et al. teaches a method, wherein the predefinable numbers n1 and n2 are ≤ 16 (col.8, lines 1+).

Re claim 21: Langrand et al. discloses a method, wherein $N=4$ [N is referred by Langrand et al. as a LID/Link Identification Data and having four figures] (col.10, lines 8+).

Re claim 22: Langrand et al. teaches a method, wherein the binary number has a length or size of $L=16$ (col.8, lines 1+), and $N=4$ and $n1=n2=4$ are predefined (col.10, lines 8+).

Re claim 23: Langrand et al. discloses a method, wherein the binary number has a length or size $L=3*n3$ [the formula may be different from another means of obtaining, the number or length or a certain length could be within the range of said formula depending upon the value of the variable n], third natural number n3 groups of three digits of the binary number are converted

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into third natural number n_3 decimal digits to generate third natural number n_3 digits of the personal identification number (see Fig. # 4 of Langrand et al.; col.11, lines 20+).

Re claim 24: Langrand et al. teaches a method, wherein the binary number is fully converted into a decimal number to generate the personal identification number, and if necessary, a correction value is added [using an Exclusive or Sum] to resultant decimal number so that a first digit to the decimal number becomes unequal to zero, digits of the resultant decimal number forming the decimal digits of the personal identification number (col.11, lines 30-67; col.12, lines 1-20).

Re claims 25-26: Langrand et al. discloses a method, wherein the binary number has a length of 13, the resultant decimal number has four digits, and a preset value greater than 999 and smaller than 1807 is added to the resultant decimal number (col.10, lines 8+).

Re claims 27-28: Langrand et al. teaches a method, wherein a set of numbers 0 through 65535 [which is obtained by taking the transformation of 2.sup.32] is allocated to n_5 subsets, and a preset value is added to the resultant decimal if it is an element of a set, wherein $9999 < \text{first decimal number} < \text{second decimal number} < \text{third decimal number} < 34465$ (col.11, lines 28+; col.14, lines 63+).

Re claim 35: Langrand discloses a method, wherein the binary number is a binary code specific to an individual [a personal identification code] (col.8, lines 3+).

Allowable Subject Matter

7. Claims 29-34 and 36-37 are allowed.

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8. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The prior art or record fails to teach a method or means for generating a pseudo-random number up to 36 and 210 hexadecimal digits, converting each hexadecimal digit into one decimal digit using one out of 36, 210 possible mathematical mappings and linking up to 36, 210 decimal digits of a generated number in a mathematical operation [wherein a first pre-definable number is selected such as a quotient $2^{\text{sup.n1/z1} \cdot 9}$ is close to 1] to form a decimal digit representing a particular digit of the personal identification number, and to average out the probability of the personal identification digit. These limitations in conjunction with other limitations in the claimed invention were not shown by the prior art of record.

Response to Arguments

10. Applicant's arguments with respect to claims 18-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gilley (U.S. 5,781,458) discloses method and apparatus for generating truly random numbers.

Hoffman (U.S. 6,061,702) teaches random number generator.

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Aiello et al. (U.S. 6,104,811) discloses cryptographically secure pseudo-random bit generator for fast and secure encryption.

Wells et al. (U.S. 6,643,374) discloses duty corrector for a random number generator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
November 8, 2003



KARL D. FRECH
PRIMARY EXAMINER